

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1, 4, 18 and 20 are amended. Claims 1-6 and 18-22 remain actively pending in the case. No new matter has been added. Reconsideration of the claims is respectfully requested.

35 U.S.C. § 112 Rejections

In paragraphs 2-4 on page 2 of the Office Action, claim 4 was rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant respectfully traverses the rejection, but in the interest of prosecution has amended claim 4 to correct insufficient antecedent basis. Therefore, Applicant respectfully submits that the amended claim 4 is in condition for allowance and requests that the Examiner withdraw the rejection.

35 U.S.C. § 102(b) & § 103(a) Rejections

In paragraph 6 on page 3 of the Office Action, claims 1, 4-6 and 18 were rejected under 35 U.S.C. § 102(b) as anticipated by Gawrys et al. (US 5,008,930). In paragraph 8 on page 4 of the Office Action, dependent claims 2-3 and 19-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gawrys et al. Applicant respectfully traverses these rejections.

Gawrys fails to disclose or suggest at least whether a right-party contact is available to talk on the outbound telephone call and transferring the call to the second hunt group when the right-party contact is available. Applicant submits that a "right-part contact" is the individual person who was targeted with the outbound call rather than other people who may answer the telephone, such as a babysitter or secretary.

Therefore, because Gawrys fails to determine when a right-part contact is available, Applicant's independent claims 1 and 18 are patentable over Gawrys.

Because claims 2-6 and 19-22 depend from claims 1 and 18 respectively, and include the features recited in the independent claim, Applicant respectfully submits that claims 2-6 and 19-22 are also patentably distinct over the cited reference. Nevertheless, Applicant is not conceding the

correctness of the Office Action's rejection with respect to such dependent claims and reserves the right to make additional arguments if necessary.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. Applicant notes that there may be reasons that the pending claims are patentably distinct in addition to those raised herein. Applicant reserves the right to raise any such reasons in the future. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

June 24, 2005
Date

Thomas J. Strouse
Thomas J. Strouse
Reg. No. 53,950
Merchant & Gould P.C.
P. O. Box 2903
Minneapolis, MN 55402-0903
(612) 332-5300

TJS:kf

